

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ROBERT G. CASTRO,  
PETITIONER,

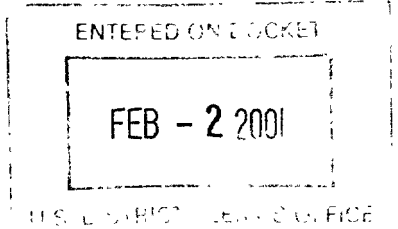
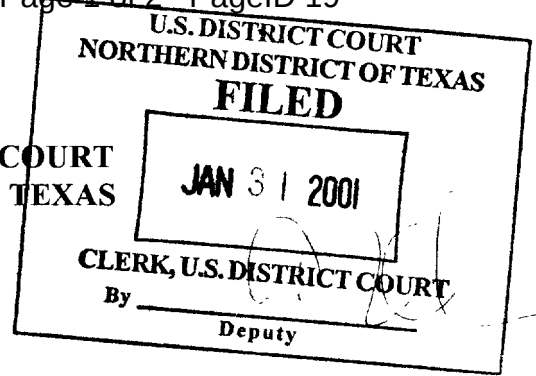
V.

SUPREME COURT OF TEXAS,  
RESPONDENT.

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No. 3:00-CV-1964-P

ORDER

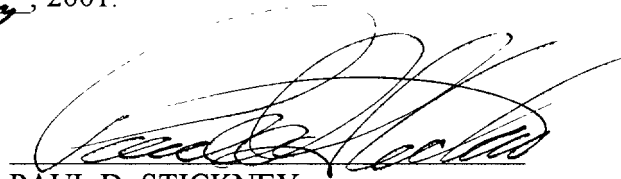


Before the court for consideration is Petitioner's Motion for Rehearing, filed January 18, 2001, which the District Court referred to the United States Magistrate Judge for determination. After the United States Magistrate Judge entered its Findings, Conclusions and Recommendations on December 14, 2000, Petitioner filed a request, dated December 18, 2000, that the Court voluntarily dismiss the case. The District Court dismissed the case on January 2, 2001. However, following the dismissal, the District Court adopted the Findings, Conclusions and Recommendations of the United States Magistrate Judge, filed December 14, 2000, and entered judgment dismissing this case with prejudice on January 16, 2001. Petitioner contends the voluntary dismissal was a mistake and requests the Court to consider his objections to the United States Magistrate Judge's Findings, Conclusions and Recommendations.

The Court recommends that the Court vacate its order of January 2, 2001, treating Petitioner's December 18, 2001 pleading as a notice of dismissal. The Court further recommends that the Court vacate its January 16, 2001 Order Adopting the Findings, Conclusions and Recommendation of the United States Magistrate Judge and Judgment and consider Petitioner's objections. The Motion for Rehearing should be granted to the extent the objections should be considered and denied in all other respects.

*[Handwritten signature]*

Signed this 31 day of January, 2001.

A handwritten signature in black ink, appearing to read "Paul D. Stickney", written over a horizontal line.

PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE